

PAUL, WEISS, RIFKIND, WHARTON & GARRISON

1615 L STREET, NW

WASHINGTON, DC 20036-5694

TELEPHONE (202) 223-7300

FACSIMILE (202) 223-7420

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JEFFREY H. OLSON

COMMUNICATIONS COUNSEL

(202) 223-7326

May 9, 1995

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75007 PARIS, FRANCE

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MAY - 9 1995

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

EX PARTE FILING  
PR Docket 92-235

Dear Mr. Secretary:

On April 25, 1995, Nippon Telegraph & Telephone Corporation ("NTT"), through its attorneys, filed ex parte comments with the Commission in the above-mentioned proceeding. Appendix B to the ex parte comments contains, inter alia, a letter addressed to Paul J. Kollmer from Russell Stein of the City of Berkeley, California, dated April 5, 1995. In that letter, Mr. Stein expresses his views regarding NTT's RZ SSB technology, based on his attendance at a demonstration of that technology conducted by NTT in March of this year at the APCO Western Conference held in Denver.

We recently received a copy of another letter from Mr. Stein, dated May 2, 1995 (a copy is appended hereto as Attachment 1), this one addressed to the Commission. In his May 2 letter, Mr. Stein indicates that he believes that the views set forth in his April 5 letter were mischaracterized or taken out of context by NTT in the latter's April 25 comments.

Put simply, Mr. Stein's assertions in that regard are patently inaccurate, as is demonstrated by even the most cursory examination of NTT's April 25 comments. For example, Mr. Stein seems to believe that NTT used his

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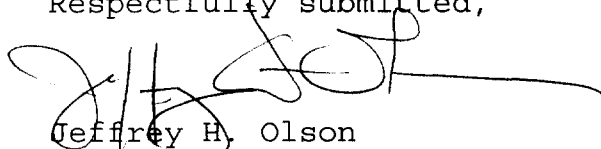
Mr. William F. Caton, FCC  
May 9, 1995

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April 5 letter to prove, inter alia, that "RZ SSB technology is ready to be implemented." To the contrary, NTT explicitly stated in its April 25 comments that, based on its decades of experience in assisting manufacturers to bring new technologies to market, RZ SSB-based systems "can be available in commercial quantities at affordable prices within the next 3 years." Id. at 7. Moreover, Mr. Stein's assertion that "NTT demonstrated [only] a single bread-board mobile unit in contact with a single fixed base station" is flatly contradicted by what Mr. Stein himself witnessed in Denver and what numerous Commission staff personnel witnessed in Washington, D.C.: the operation of an integrated prototype mobile unit that is developed far beyond the "bread-board" stage. See also Attachment 2.

It is not at all clear why Mr. Stein would now attempt to mischaracterize that which was apparent to anyone who witnessed the RZ SSB demonstration or read NTT's April 25 comments. What is clear is that Mr. Stein is now quite uncomfortable having his favorable impression of NTT's RZ SSB technology be part of the record in this proceeding, apparently because he considers the views expressed in his April 5 letter to be inconsistent with APCO's position in this proceeding. So as to avoid any further misunderstanding or discomfort for Mr. Stein, NTT requests that the Commission disregard Mr. Stein's April 5 letter in its consideration of the instant proceeding.

Respectfully submitted,



Jeffrey H. Olson  
Attorney for  
Nippon Telegraph and  
Telephone Corporation

Enclosures

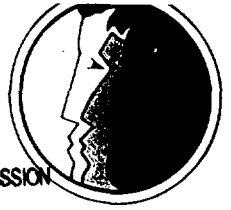
cc: Robert Gurss, Esq.

# City of Berkeley RECEIVED

Department of Public Works  
1326 Allston Way  
Berkeley, California 94702  
(510) 644-6218

MAY - 9 1995

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY



May 2, 1995

ATTACHMENT 1

William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street N.W.  
Room 222  
Washington, D.C. 20554

Dear Mr. Caton:

I am writing this letter in reference to the NTT response to APCO's ex parte filing, dated April 25th, 1995.

The letter I sent to NTT on April 5th of this year has been used out of context in support of the NTT position. In no way am I supporting a single step migration to RZ SSB Technology in place of the two-step plan currently under consideration.

NTT demonstrated a single bread-boarded mobile unit in contact with a single fixed base station. The transmissions were conducted on a single clear test channel. This limited demonstration does not show that RZ SSB technology is ready to be implemented.

I fully support the APCO position, and I am disappointed that my letter to NTT was used in this way.

Sincerely,

A handwritten signature in cursive script that reads "Russell Stein".

Russell Stein  
Communications Technician Supervisor

cc

Paul J. Kollmer, Esq.  
Paul Weiss Rifkind et al.  
1615 L Street, N.W.  
Washington, D.C. 20036

Kathryn Hosford  
Wireless Telecommunication Bureau  
2025 M Street  
Washington, D.C. 20554



Telecommunications Device for the Deaf (510) 644-6915

PAUL, WEISS, RIFKIND, WHARTON & GARRISON

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WASHINGTON, DC 20036-5694

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BEIJING, 100004  
PEOPLE'S REPUBLIC OF CHINA

ATTACHMENT 2

JEFFREY H. OLSON  
COMMUNICATIONS COUNSEL  
(202) 223-7326

May 9, 1995

RECEIVED

MAY - 9 1995

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

VIA FEDERAL EXPRESS

Mr. Russell Stein  
Communications Technician Supervisor  
Department of Public Works  
1326 Allston Way  
Berkeley, California 94702

Re: FCC Refarming Proceeding

Dear Mr. Stein:

I am responding to your letter dated May 2, 1995, addressed to the Federal Communications Commission ("FCC"), regarding the April 25, 1995, ex parte comments filed by Nippon Telegraph and Telephone Corporation ("NTT") in the FCC's "Refarming" proceeding, PR Docket 92-235. I am concerned that you may be under a misimpression regarding the nature of NTT's comments and the manner in which your April 5, 1995, letter to Mr. Kollmer was employed within those comments. For your convenience, I have enclosed a copy of NTT's April 25 comments.

Examination of NTT's April 25 comments reveals that there were two general points made by that document. First, NTT provided the Commission with further information on the uniformly favorable reaction to its demonstrations of RZ SSB technology conducted in Washington, D.C., and Denver earlier this year. As part of NTT's showing in that regard, NTT submitted letters from representatives of manufacturers and users (including your April 5 letter) who had attended the RZ SSB demonstrations. We briefly characterized those letters as indicating a favorable reaction to the RZ SSB demonstrations.

Mr. Russell Stein  
May 9, 1995

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Regarding the genesis of your April 5 letter, Ms. Catherine Coucoules of this office informs me that she contacted you by telephone in April and she asked if you would be kind enough to provide a letter reporting your impression of RZ SSB technology, based on your attendance at NTT's demonstration of RZ SSB held in Denver at the APCO Western Conference. Ms. Coucoules informs me that she told you, in very clear terms, that we intended to submit the letter, along with letters from other users and manufacturers, to the FCC to become part of the public record in the Refarming proceeding. In fact, this was what was done with your letter (and others), as part of NTT's April 25 comments.

In the second part of NTT's April 25 comments, we responded to a series of earlier ex parte comments submitted to the FCC by APCO, in which APCO asserted that 5 kHz technology is not viable. Obviously, as the proponent of a 5 kHz technology, NTT could not let what it considers to be APCO's baseless assertions to go unmet. However, in refuting APCO's claims regarding 5 kHz systems, we never stated or implied that you either oppose APCO's position, or support a 5 kHz channelization scheme, or believe that, as you put it in your May 2 letter, "RZ SSB technology is ready to be implemented" (NTT has stated to the Commission on several occasions that commercial RZ SSB systems are approximately three years from realization). Put simply, contrary to the assertion made in your May 2 letter, NTT did not take the statements made in your April 5 letter out of context (indeed, we made no separate reference to the content of your letter), or misrepresent your views in any way. Our use of your April 5 letter was completely consistent with Ms. Coucoules's representations to you.

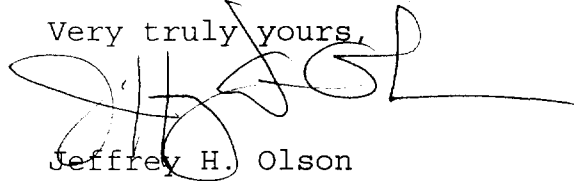
Apparently, you now perceive the views expressed in your April 5 letter to be inconsistent with APCO's position in the Refarming proceeding, and this juxtaposition seems to be the cause of some discomfort for you. NTT certainly has no desire to cause you distress regarding this matter. Therefore, I have this date written to the FCC asking that your April 5 letter be disregarded by the Commission in its consideration of the issues under review in the Refarming proceeding. So as to provide full disclosure on the matter, I have attached to my letter to the FCC copies of the instant letter and your May 2 letter to the FCC. A copy of my letter to the FCC is enclosed herewith.

Mr. Russell Stein  
May 9, 1995

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I hope this resolves the matter to your satisfaction. While I remain somewhat perplexed by your unfounded criticisms, I apologize for any difficulty that may have resulted from your apparent misunderstanding of our efforts on behalf of NTT. If I may be of any service in the future, please do not hesitate to contact me directly.

Very truly yours,

A handwritten signature in black ink, appearing to read 'JH Olson', with a long horizontal line extending to the right.

Jeffrey H. Olson

Enclosures

cc (with enclosures): Robert Gurss, Esq.